

Recognition and Enforcement of foreign arbitral awards in the Czech Republic and in the United States of America

Abstract

This rigorous thesis deals with the topic of recognition and enforcement of foreign arbitral awards, and the issues are illustrated by the legal regulations of the Czech Republic and the United States of America.

The aim of the thesis is to clarify the issue of recognition and enforcement of foreign arbitral awards in both countries, to define their legal regulations and to point out their common and different features in the field of grounds for refusal to recognize and enforce foreign arbitral awards and in the process of such recognition.

Apart from the introduction and the conclusion, the present rigorous thesis is divided into five separate chapters.

The first chapter deals with the definition of arbitration in the ADR system and points out the advantages and disadvantages of the arbitration as compared to the proceedings at state courts. The author defines the concept of an arbitral award or a foreign arbitral award within all the relevant regulations in the next part.

The second chapter deals with the Convention on the Recognition and Enforcement of Foreign Arbitral Awards. The author discusses the individual provisions of the Convention, taking into account their substantive scope in this chapter. These provisions are interpreted by the author, *inter alia*, with the extensive case-law of the national courts, adding his critical opinions on the decisions in several cases.

The content of the third chapter is a list of other sources of international and national law of both countries which relates to the subject of the rigorous thesis in terms of its content.

The author of the thesis defines both national regulations in terms of reasons for refusing to recognize and enforce foreign arbitral awards in the fourth chapter. This chapter concludes with the author's comparison and the expression of his views *de lege ferenda*. The fifth chapter is devoted to mutual comparison of the process of recognition and enforcement of foreign arbitral awards in the territory of both countries, again with a subsequent summary.

The author of the thesis puts emphasis on the interpretation of the current legal situation being sufficiently connected with the relevant case law in his entire rigorous thesis, especially in its crucial second, fourth and fifth chapter.